

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ERIC EDWARD GARVEY

ORDER

v.

UNITED STATES OF AMERICA

14-cv-85-wmc
10-cr-133-wmc

Petitioner Eric Edward Garvey has filed a notice of appeal of the court's May 10, 2016 order denying his motion for post-conviction relief under 28 U.S.C. § 2255. Petitioner's notice of appeal was not accompanied by the \$505 fee for filing an appeal. 28 U.S.C. § 2253(c)(1)(A); Fed. R. App. P. 22. Petitioner was previously found eligible for court-appointed counsel in his underlying criminal case and was granted *in forma pauperis* status on his direct appeal. Therefore, the court construes it as including a request for leave to proceed *in forma pauperis* on appeal under 28 U.S.C. § 1915. According to 28 U.S.C. § 1915(a)(3), "an appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." The court does not find petitioner's appeal is taken in bad faith.

ORDER

IT IS ORDERED that petition Eric Edward Garvey's request for leave to proceed *in forma pauperis* on appeal is GRANTED.

Entered this 21st day of July, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY

District Judge